

**DISTRICT OF COLUMBIA**  
**DOH Office of Adjudication and Hearings**  
825 North Capitol Street N.E., Suite 5100  
Washington D.C. 20002

DISTRICT OF COLUMBIA  
DEPARTMENT OF HEALTH  
Petitioner,

v.

LINDA CUNNINGHAM  
Respondent

Case Nos.: I-00-40913  
I-00-40914

---

**FINAL ORDER**

Respondent, Linda Cunningham, is charged in this case with operating a child development facility without a license, in violation of 29 DCMR 301.1. This case was set for an *ex parte* proof hearing on December 12, 2001, after Ms. Cunningham failed to file a timely answer to either the first or the second Notice of Infraction. On November 21, 2001, in apparent response to the Final Notice of Default setting the December 12 hearing, Ms. Cunningham submitted a letter requesting a payment plan, stating that she is currently unemployed and unable to pay the “fine and penalty” of \$1,000. As the Final Notice of Default noted, Ms. Cunningham is subject to a fine of \$500 for violating § 301.1 and to penalties of \$1,000 for her failure to file timely responses to both Notices of Infraction, as required by D.C. Code §§ 6-2704(a)(2)(A) and 6-2704(a)(2)(B), now codified as D.C. Code §§ 2-1801.04(a)(2)(A) and 2-1801.04(a)(2)(B) (2001 ed.).

On November 29, 2001, I issued an order construing Ms. Cunningham’s submission as a plea of Admit to the charge of violating 29 DCMR 301.1 and a request for reduction of the

penalty for her failure to file timely responses to the Notices of Infraction. That order permitted the Government to file a response. On December 7, 2001, the Government filed a memorandum stating that it “does not oppose a reasonable payment plan to cover payment of the fine and whatever penalties the court wishes to impose.”

Based upon Ms. Cunningham’s unchallenged representation that she is unemployed, I find there is sufficient cause for permitting her to pay the applicable fine and penalties in installments. Ms. Cunningham, however, has not proffered any explanation for her failure to file timely responses to both the first and second Notices of Infraction. Accordingly, there is presently no basis for reducing the \$1,000 penalty required by law.<sup>1</sup> Therefore, the total amount that she presently owes is \$1,500. Pursuant to D.C. Code § 6-2703(b)(5), now codified as D.C. Code § 2-1801.03(b)(5) (2001 ed.), Ms. Cunningham must pay that amount in no more than six months and she must pay a fee of 1% per month of the outstanding balance. That fee will be added to the last month’s payment.

Accordingly, it is, this \_\_\_\_\_ day of \_\_\_\_\_, 2001:

**ORDERED**, that Respondent shall pay a total of **ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00)** in accordance with the attached instructions, and on the following schedule:

---

<sup>1</sup> I will permit Ms. Cunningham to seek reconsideration of the penalty by filing any explanation she may have for her failure to answer both of the Notices of Infraction. The Government may respond to any such request.

<b>Due Date</b>	<b>Amount Due</b>
January 25, 2002	\$250
February 25, 2002	\$250
March 25, 2002	\$250
April 25, 2002	\$250
May 25, 2002	\$250
June 25, 2002	\$287.50 <sup>2</sup>

and it is further

**ORDERED**, that, if Respondent does not pay any monthly installment when due, the entire unpaid amount of the fine and installment charges shall then become due and payable immediately, with interest accruing on the unpaid amount at the rate of 1 ½% per month or portion thereof, pursuant to section 203(i)(1) of the Civil Infractions Act, D.C. Code § 6-2713(i)(1), as amended by the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000, D.C. Law 13-281, effective April 27, 2001, now codified as D.C. Code § 2-1802.03(i)(1) (2001 ed.); and it is further

**ORDERED**, that failure to comply with the attached payment instructions and to remit a payment within the time specified will authorize the imposition of additional sanctions, including the suspension of Respondent's licenses or permits pursuant to D.C. Code § 6-2713(f), now codified as D.C. Code § 2-1802.03(f) (2001 ed.), the placement of a lien on real and personal property owned by Respondent pursuant to D.C. Code § 6-2713(i), now codified as D.C. Code § 2-1802.03(i) (2001 ed.) and the sealing of Respondent's business premises or work sites

---

<sup>2</sup> This amount includes the installment fee of 1% on each month's unpaid balance – a total of \$37.50.

pursuant to D.C. Code § 6-2703(b)(7), now codified as D.C. Code § 6-1801.03(b)(7) (2001 ed.); and it is further

**ORDERED**, that, on or before January 7, 2002, Respondent may file a request for reconsideration of the penalty imposed for failing to file a timely answer to the Notices of Infraction. If Respondent seeks reconsideration, she must demonstrate that she had good cause for her failure to file. D.C. Code § 6-2712(f), now codified as D.C. Code § 2-1802.02(f) (2001 ed.). Respondent must send a copy of any such request to the Government's representatives listed below; and it is further

**ORDERED**, that the Government may file a response to any reconsideration request on or before January 14, 2001.

/s/      **12/20/21**

---

John P. Dean  
Administrative Judge